

**Summary of Proposed Downtown Code Corrections and Revisions
(Council Bill 115652 and possible additions to the bill)
August 8, 2006**

Background

On April 3, 2006, the City Council adopted Ordinance 122054, which changed downtown height and density standards, rezoned several areas downtown, and provided new incentives for affordable housing and sustainable building practices. The package of legislation also included two resolutions that provide direction for the City's efforts to improve downtown livability.

Since April, the architects, developers and City staff who are now using the new downtown zoning code have identified several provisions that need correction or clarification. Proposed Council Bill 115652 includes fourteen amendments. Six of them are clarifications or revisions as shown in Chart 1. The remaining eight are technical corrections, and are listed after Chart 1. The majority of the proposed amendments (12) affect the Downtown zoning chapter, and two amend other sections of the Land Use Code. As part of correcting map references, the five downtown maps that were not revised by Ordinance 122054 have been redrawn to make them more readable.

Summary of Proposed Amendments

Chart 1: Proposed Code Clarifications and Revisions

#	Land Use Code Section Amended	Page # in Bill	Explanation
Downtown Chapter of the Land Use Code			
1.	23.49.009 Street Level Use Requirements	p. 5	Add elementary and secondary schools to the list of uses that satisfy street level use requirements. This is intended to encourage school construction and help attract more families with children to live downtown.
2.	23.49.018E Overhead Weather Protection and Lighting	p. 6	Revise the requirements for provision of pedestrian lighting at street level by returning to the original language proposed by Councilmember Rasmussen.
3.	23.49.019B2b Parking Quantity, Locations and Access Requirements	p. 7	Clarify that small site size alone is not a basis for granting an exception to allow more than four stories of parking above the first story of a structure. The exception was intended to allow more above-grade parking only when physical site conditions made excavating for below-grade parking infeasible.
4.	23.49.019H Parking Quantity, Locations and Access Requirements	pp. 8-9	Revise the reasons that the Department of Planning and Development (DPD) Director may permit access from a right-of-way that would otherwise not be allowed. The proposed criteria emphasize pedestrian safety and comfort, transit operations, and vehicular safety and movement over expediting "a smooth flow of traffic".

#	Land Use Code Section Amended	Page # in Bill	Explanation
5.	23.49.058E DOC1, DOC2 and DMC Upper Level Development Standards*	p.13	Specify that tower spacing regulations apply in DMC zones with height limits over 160 feet south of Union Street. This area was inadvertently left out of the regulations when different tower spacing requirements were approved for different areas of the DMC zone on the day that Ordinance 122054 was adopted.
Other Land Use Code Sections			
6.	23.41.012 Development Standard Departures	pp. 1-4	Add the following items to the list of regulations that cannot be varied through the design review process: location of access to parking in downtown zones; most street improvement requirements; transportation concurrency requirements; measurements; and definitions.

* DOC1=Downtown Office Core 1 zone; DOC2=Downtown Office Core 2 zone; DMC=Downtown Mixed Commercial zone.

Proposed Technical Corrections (the first seven amend Downtown Zoning Provisions)

1. Incorporate redrawn and correctly numbered maps, and correct five erroneous map references (note: two of these needs further correction—see below);
2. Correct the point at which nonresidential tower separation limits apply (above a height of 240 feet rather than 145 feet);
3. Remove a residential tower width exception for combined lots that is no longer needed;
4. Remove an obsolete reference to a deleted definition from the Downtown Amenity Standards;
5. Repeal an obsolete vesting provision for developments that participated in the Transfer of Development Credits Program downtown;
6. Correct the maximum height permitted (from 120 to 150 feet) in International District Mixed zones when a Planned Community Development is approved, to be consistent with a Council action taken 18 years ago;
7. Repeal an obsolete definition for maximum structure height in downtown zones; and
8. Correct Section 23.45.008, which regulates density in Lowrise multifamily zones. The correction would clarify that the density exceptions provided in the Section are for "low-income disabled or elderly multifamily *structures*", rather than residents, in order to match the definitions for low-income households and structures adopted with the downtown zoning code revisions.

Additional Amendments

Since the introduction of Council Bill 115652, two additional revisions have been proposed by the Department of Planning and Development (DPD). These amendments are described below.

1. Clarification of structure height exception

In subsection 23.49.008B, the downtown code allows a 10% increase in the height of residential structures in Downtown Mixed Commercial (DMC) zones with 400 foot height limits. The intent of this exception is to encourage interesting rooflines for residential towers. No housing units

may be placed in any enclosed spaces located above the regular 400 foot height limit. However, this exception is written in a way that could lead a reader to think that additional floors of housing are permitted.

To clarify that housing is not allowed above 400 feet, DPD staff recommends that the following wording (shown underlined) be added to the height exception section:

B. A ~~((S))~~structure~~((s))~~ located in a DMC 240/290-400 or DMC 340/290-400 zone~~((s))~~, in which the highest story below the applicable height limit includes~~((may exceed the maximum height limit for))~~ residential use ~~((by ten (10) percent of that limit if))~~, may exceed the applicable height limit by up to forty (40) feet if:

1. the facades of the portion of the structure above the applicable height limit do not enclose an area greater than 9,000 square feet nor extend above 440 feet, and

2. the enclosed space is occupied only by those uses or features otherwise permitted in this Section as an exception above the applicable height limit.

2. Corrections to Street Classification Map 1B and Sidewalk Width Map 1C

After introduction of CB 115652, DPD staff pointed out that two downtown maps needed further corrections. Map 1B, which shows the classifications of downtown streets, erroneously did not show a "principal transit street" classification on three street segments:

- Lenora Street from Second Avenue to Westlake Avenue;
- Fifth Avenue between Olive and Pine Streets; and
- Second Avenue from Stewart to Lenora Streets.

DPD has revised Map 1B to reflect correct these omissions (see attached).

Map 1C, which shows required sidewalk widths on downtown streets, required two corrections. One is to add a note that explains that when an 18 foot sidewalk is required on a one-way street, the 18 foot width applies only to the side with transit stops. This note is on the map in the current code and was inadvertently omitted. The second correction is to show that Howell Street between 8th Avenue and Terry Avenue, and 1st Avenue between Pine and Stewart Streets require an 18 foot sidewalk width rather than 12 feet. Both of these street segments are principal transit streets, which require wider sidewalks. DPD has revised Map 1C to reflect these corrections (see attached).